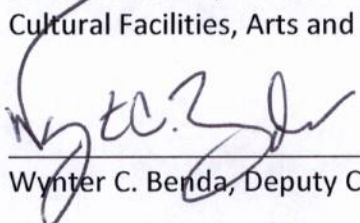


To the Honorable Council
City of Norfolk, Virginia

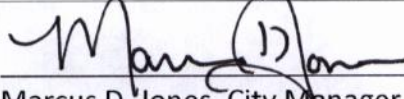
April 12, 2016

From: John Rhamstine, Director
Cultural Facilities, Arts and Entertainment

Subject: Extension of Lease for the
Offsite Gallery at World Trade Center,
101 West Main Street

Reviewed: 
Wynter C. Benda, Deputy City Manager

Ward/Superward: 4/7

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-23

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Department of Cultural Facilities, Arts and Entertainment

III. **Description:**

This agenda item is an ordinance to extend the term of a lease agreement between WTC Financial Associates, LLC, 435 East WTC, LLC (collectively "Owners"), and the City of Norfolk (the "city").

IV. **Analysis**

This is a lease agreement with the Owners of the building located at 101 West Main Street to operate a community gallery, known as the Offsite Gallery, on the main floor of the World Trade Center. The Offsite Gallery, managed by the Department of Cultural Facilities, Arts and Entertainment, has operated successfully in the World Trade Center for the past year.

V. **Financial Impact**

The Owners do not charge the city for the lease of the space. This lease brings mutual benefit to the city and artists. Artists submit proposals at no charge. Exhibitions are selected by a committee of local art experts through a fair and open process. City staff install the artwork and promote the exhibitions and other free community events. Artists have the opportunity to sell their artwork and pay the city 30% of any sales.

VI. **Environmental**

N/A

VII. Community Outreach/Notification

Every 12 – 18 months a request for submissions is advertised extensively through local and social media networks. Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

N/A

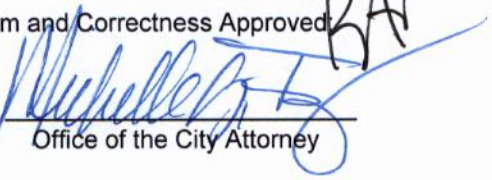
IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of Cultural Facilities, Arts and Entertainment, the City Attorney's Office and the Downtown Norfolk Council.

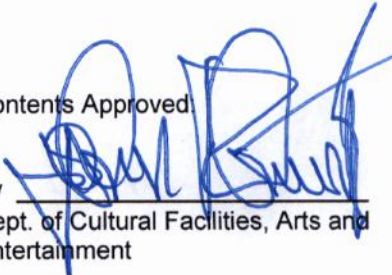
Supporting Material from the Department of Recreation, Parks & Open Space:

- Ordinance

Form and Correctness Approved

By 
Office of the City Attorney

Contents Approved

By 
Dept. of Cultural Facilities, Arts and
Entertainment

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE AUTHORIZING AN AMENDMENT TO LEASE BETWEEN WTC FINANCIAL ASSOCIATES, LLC, 435 EAST WTC, LLC AND THE CITY OF NORFOLK FOR A PORTION OF THAT CERTAIN PROPERTY LOCATED AT 101 WEST MAIN STREET, SUITE 100 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY OF NORFOLK.

- - -

WHEREAS, the WTC Financial Associates, LLC and 435 East WTC, LLC (together, the "Landlord") entered into that certain Lease Agreement dated February 6, 2015 (the "Lease") for a portion of the premises known as Suite 100 in the World Trade Center located at 101 West Main Street in the City of Norfolk; and

WHEREAS, the parties desire to extend the term of the Lease for one (1) additional year; now, therefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the terms and provisions of the First Amendment to Lease between WTC Financial, LLC, 435 East WTC, LLC and the City, a copy of which is attached hereto as Exhibit "A", are hereby approved.

Section 2:- That the City Manager is authorized to correct, amend, or revise the Amendment to Lease as he may deem necessary in order to carry out the intent of the Council and to execute the Amendment as corrected, amended, or revised in accordance herewith, for and on behalf of the City, subject however to approval as to form and correctness by the Office of the City Attorney.

Section 3:- That this ordinance shall be in effect from and after the date of its adoption.

FIRST AMENDMENT TO LEASE

(101 West Main Street)

THIS FIRST AMENDMENT TO LEASE is made and entered into as of the 1st day of March, 2016, by and between the WTC FINANCIAL ASSOCIATES, LLC, a Delaware limited liability company, and 435 EAST WTC, LLC, a Delaware limited liability company (together, "*Landlord*"), with its principal office at 999 Waterside Drive, Suite 2300, Norfolk, Virginia 23510, and THE CITY OF NORFOLK, a municipal corporation of the Commonwealth of Virginia ("*Tenant*"), with its principal office at 810 Union Street, Suite 1100, Norfolk, Virginia 23510.

WITNESSETH:

WHEREAS, Landlord and Tenant entered into that certain Lease dated February 6, 2015 (the "*Lease*") for a portion of the premises known as Suite 100 in the World Trade Center located at 101 West Main Street in the City of Norfolk; and

WHEREAS, the parties desire to extend the term of the Lease for up to one (1) additional year.

AGREEMENT:

NOW, THEREFORE, for and in consideration of the mutual covenants stated herein, the parties hereto agree as follows:

1. Term; Early Termination. The Term of the Lease shall be extended for one (1) year from the Expiration Date of the Lease (the "*Renewal Term*"). As used in the Lease, "*Term*" shall mean the initial Term as extended by the Renewal Term and the Expiration Date shall be February 28, 2017. Notwithstanding anything to the contrary herein, Landlord shall have the right to terminate the lease at any time upon thirty (30) days' notice to Tenant.
2. Modification. Except as expressly modified hereby, all terms and conditions of the Lease shall remain in full force and effect.
3. Terms. Capitalized terms not otherwise defined herein shall have the meaning set forth in the Lease.

[signature pages to follow]

WITNESS the following signatures and seals:

LANDLORD:

WTC FINANCIAL ASSOCIATES, LLC
a Delaware limited liability company

BY: WTC Managing Co., LLC
a Delaware limited liability company

By: _____
Name: _____
Title: _____

435 EAST WTC, LLC
a Delaware limited liability company

By: 435 EAST WTC MANAGING CO., LLC
a Delaware limited liability company

By: _____
Name: _____
Title: _____

TENANT:

CITY OF NORFOLK,
a municipal corporation of the Commonwealth of
Virginia

By: _____
Name: Marcus D. Jones
Title: City Manager

Attest:

City Clerk

Approved as to content:

Director, Department of Cultural Facilities

Approved as to form and correctness:

Assistant City Attorney